



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,845	07/11/2001	James P. Beck	PH-7222	9511

7590

04/20/2004

Michael L Goldman
Nixon Peabody LLP
Clinton Square
P O Box 31051
Rochester, NY 14603

EXAMINER

ROBINSON, BINTA M

ART UNIT	PAPER NUMBER
----------	--------------

1625

DATE MAILED: 04/20/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,845

Applicant(s)

BECK ET AL.

Examiner

Binta M. Robinson

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-19,23,24,26,27,29,30,32 and 33, 36, 37, 38, 39, 40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 36-40 is/are allowed.
- 6) ☒ Claim(s) 16-19,23,24,26,27,29,30,32 and 33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

Claims 1-19, 23-24, 26-27, 29-30, 32-33, 36-40 are now pending in the application.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16, 17, 18-19, 23-24, 26-27, 29, 30, 32, 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "Formula (10)" in lines 1, and 4-7, page 6 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "Formula (20)" in lines , 5-9, 1 page 6 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "Formula (30)" in lines ,4-13, 16, page 7 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "Formula (40)" in line 1, 4-16, 18, page 8 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "Formula (80)" in line 1, 4-6, page 9 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "Formula (90)" in line 1, 4-6, page 9 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "Formula (110)" in line 1, 5-11, page 10 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "Formula (120)" in line 1, 4-7, page 10 and lines 1-3 of page 11 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "Formula (140)" in line 1, 4-10, page 11 lines 1-3 of page 11 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "Formula (150)" in line 1, 4-10, page 12 lines 1-3 of page 11 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "Formula (170)" in line 1, page 12 and in lines 3-5, page 13 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "Formula (150)" in line 1, 4-10, page 12 lines

1-3 of page 11 of the amendment filed 9/15/03 at paper no 12/a. There is insufficient antecedent basis for this limitation in the claim.

Claims 1-15, 38-40 are allowable.

The IDS filed 2/4/04 has been considered.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binta M. Robinson whose telephone number is (571) 272-0692. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699.

A facsimile center has been established. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machine are (703)308-4242, (703)305-3592, and (703)305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1600.

BMR
April 14, 2004


JOSEPH K. MCKANE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600